

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

T-M VACUUM PRODUCTS, INC.,	§	
	§	
	§	
PLAINTIFFS		§
	§	CIVIL ACTION NO. 09-00095
	§	
JOHN B. BERRY and wife,		§
PATRICIA P. BERRY,	§	
	§	
	§	
DEFENDANTS	§	

DEFENDANT'S INITIAL DISCLOSURES
UNDER RULE 26(f), FEDERAL RULES OF CIVIL PROCEDURE

To: Plaintiff, **T-M VACUUM PRODUCTS, INC.**, through its attorney of record, H. Miles Cohn.

Defendants, John B. Berry and wife Patricia P Berry, make these initial disclosures as required by Federal Rule of Civil Procedure 26(a)(1).

A. Individuals with Discoverable Information

1. The names, addresses of individuals likely to have discoverable information that Defendants may use to support their claims or defenses are these Defendants. The subject matter of the information known to these individuals is the facts of the underlying case and appeal.

B. Relevant Documents, Electronically Stored Information & Tangible Things

2. All documents, electronically stored information, and tangible things, that Defendants have in their possession, custody, or control and may use to support their

claims or defenses that have not been furnished to Plaintiff.

2. There are no documents, electronically stored information, and tangible things that Defendants have in their possession, custody, or control and that Defendant may use to support their claims or defenses that have not been previously produced to Plaintiff.

C. Information Related to Calculation of Damages

3. Defendants are unable to calculate their damages, other than those claimed in the underlying suit (including attorneys fees) until the Fifth Circuit rules.

D. Insurance

4. All insurance agreements required to be disclosed are described below:

NONE

Respectfully Submitted:

BOUSQUET & DEVINE, P.C.

of Counsel

_____/s/_____

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ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above instrument has been served, pursuant to Federal Court Rules by First Class U.S. Mail, Return Receipt Requested, postage pre-paid and properly addressed, all as shown by the following Service List, on this 24TH day of April, 2009.

_____/s/_____
Thomas G. Bousquet